# **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-2005-PWS-E **TCEQ ID:** RN105215651 **CASE NO.:** 35109

RESPONDENT NAME: Lake Whitney Resorts, LLC

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
, ,	URRED: Lake Whitney RV & Golf, 255 Suncountry	y Drive, Whitney, Hill County
TYPE OF OPERATION: Public water	supply	
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: 'facility location.	There are no complaints. There is no record of addit	ional pending enforcement actions regarding this
INTERESTED PARTIES: No one oth	er than the ED and the Respondent has expressed an	interest in this matter.
COMMENTS RECEIVED: The Texas	Register comment period expired on May 19, 2008.	No comments were received.
4033; Mr. Bryan Sinclair, Enfo	ator: Mr. Epifanio Villarreal, Enforcement Division, orcement Division, MC 219, (512) 239-2171	
	ng, Owner/Registered Agent, Lake Whitney Resorts, Patricia Coy, Clifton Law Office, P.O. Box 547, Clift	

**DOCKET NO.:** 2007-2005-PWS-E

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VIOLATION SUMMARY CHAR		The state of the s
VIOLATION INFORMATION	PENALTY CONSIDERATIONS SECTION OF STREET	CORRECTIVE ACTIONS TAKEN/REQUIRED A Good X
Type of Investigation: Complaint	Total Assessed: \$1,522	Corrective Actions Taken:
X         Routine           Enforcement Follow-up           Records Review	Total Deferred: \$304  X Expedited Settlement  Financial Inability to Pay	The Executive Director recognizes that on May 1, 2007, start-up notification was provided from the Waco Regional Office staff confirming that the system is active.
Date(s) of Complaints Relating to this Case:	SEP Conditional Offset: \$0	Ordering Provisions:
Date of Investigation Relating to this Case: March 12, 2007 and November 12, 2007	Total Paid (Due) to General Revenue: \$218 (remaining \$1,000 due in 5 monthly payments of \$200 each)	The Order will require the Respondent to:  a. Within 30 days after the effective date of this Agreed Order:
Date of NOV/NOE Relating to this Case: May 15, 2007 (NOV) and December 10, 2007 (NOE)  Background Facts: A record review and routine investigation was conducted.	Site Compliance History Classification HighAveragePoor  Person Compliance History Classification HighAveragePoor	i. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions; and
WATER	Major Source:Yes _X_No	ii. Submit as-built plans, specifications, and engineering reports for the Facility.
1) Failed to provide written notification to the Commission of the startup of a new public water system [30 Tex. Admin. Code § 290.39(m)].	Applicable Penalty Policy: September 2002	b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including
2) Failed to submit engineering reports prior to activating a new public water system [30 Tex. Admin. Code § 290.39(e)(1) and Tex. Health & Safety Code § 341.035(c)].	o Marin og sing kom eller fra sækkerener i f	photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.
3) Failed to operate the system to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution network at flow rates of at least 1.5 gallons per minute ("gpm") per connection and a minimum pressure of 20 psi during emergencies such as fire fighting [30 Tex. ADMIN. CODE §§ 290.44(d) and 290.46(r)].	Tipperse of the evitation of the evitati	A CARLON CONTRACTOR OF CONTRAC

Additional ID No(s).: PWS 1090075

Policy Revision 2 (Septe		alty Calculati	on Works	sheet (P	•	on November 6, 2007
TCEQ	40 D 0007 I					
	10-Dec-2007 14-Dec-2007 <b>S</b> c	reening 14-Dec-200	7 EPA Due		And the second s	2005) - P. S. Samerin Carrier Marie and American Carrier and Carri
RESPONDENT/FACILITY I	NFORMATION					
Respondent L Reg. Ent. Ref. No. F	ake Whitney Reso	orts, LLC				
Facility/Site Region			Major/	Minor Source	Minor	
CASE INFORMATION						
Enf./Case ID No. 3			No.	of Violations		
	2007-2005-PWS-E	w		Order Type		
Media Program(s) F Multi-Media	Public water Suppl	У	-  Em		Epifanio Villarreal Enforcement Team	12
Admin. Penalty \$ Li	mit Minimum	\$50 Maximum	\$1,000		0.000000	
		Penalty Calcu	lation Sec	tion		
				AUOTT		¢4 450
TOTAL BASE PENAL	IY (Sum of Vio	iation base penai	ues)		Subtotal 1	\$1,450
ADJUSTMENTS (+/-)	TO SUBTOTAL	1				
Subtotals 2-7 are obtaine Compliance Histor	20 CONTRACTOR OF THE STREET, AND ADDRESS OF THE	tal Base Penalty (Subtotal 1)	) by the indicated pe % Enhancement		otals 2, 3, & 7	\$72
Compliance mistor		hancement is due to o			]	4.2
Notes		ns that are the same a				
		the current enforcem	ent action.			
Culpability	No		% Enhancement		Subtotal 4	\$0
	None Control of the C				]	
Notes	The Resp	ondent does not meet	the culpability ci	riteria.		
Good Faith Effort	to Comply		% Reduction		Subtotal 5	\$0
Good Faith Effort	A A MARKET DATE OF THE WAY	V to EDPRP/Settlement Off	THE A COMMUNICATION AND INC.			
Extraordinary					•	
Ordinary N/A	X (ma	rk with x)				
		ondent does not meet	the good faith o	ritoria		
Notes	The Nesp	ondent does not meet	the good latti c	ilicia.		
and the second s		C	9% Enhancement*		Subtotal 6	\$0
	Total EB Amounts ost of Compliance	\$586 *Cap \$6,200	ped at the Total EB	\$ Amount	e Constantina de la composition della compositio	
другох. С	Ost of Compliance	\$6,200				
SUM OF SUBTOTALS	1-7				Final Subtotal	\$1,522
OTHER FACTORS AS	HISTICE MAN	/ PEOLIIPE	0%		Adjustment	\$0
Reduces or enhances the Final Su			0 70			Ψο
					* .	
Notes						
· <b>L</b>				Final Pe	nalty Amount	\$1,522
		of was Albertain and the control of			man w <u>e</u> le eel	64 500
STATUTORY LIMIT A	DJUSTMENT			Final Asse	essed Penalty	\$1,522
DEFERRAL	17.6% <b>6</b> %%	A. A. V. T.	20%	Reduction	Adjustment	-\$304
Reduces the Final Assessed Pena	ity by the indicted perce	entage. <i>(Enter number only</i> ;	The same and the s		7	
Notes	Det	ferral offered for expec	lited settlement			
140/62	Dei	on or or or or or	Johnson on L.			
		1 (5) (8) (8)	en ne en e			
PAYABLE PENALTY						\$1,218

Res	Docket No. 2007-2005-PWS-E  pondent Lake Whitney Resorts, LLC	Policy R	evision 2 (Se
Ent. Refer	se ID No. 35109 ence No. RN105215651 [Statute] Public Water Supply	<b>PCW I</b>	Revision Nov
	ordinator Epifanio Villarreal	v - v - v - v - v - v - v - v - v - v -	
	Compliance History Worksheet	jag a na tjejt 1781 i sa 19	43fa. f
ance History Component	/ Site Enhancement (Subtotal 2). Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Maril 1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	. 0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	<b>0</b>	0%
	Disclosures of violations under the Téxas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	00	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	Ño	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Sı	ibtotal 2
Violator (Su	btotal 3)	4.1	19-521
N/A		ercentage (Sเ	ıbtotal 3)
ance History	Person Classification (Subtotal 7)		arazza.
N/A	Adjustment P	ercentage (Sเ	ıbtotal 7,
ance History	Summary		(S)(T) (d)
Compliance History Notes	The penalty enhancement is due to one prior Notice of Violation containing violations that ar or similiar to the violations in the current enforcement action.	e the same as	
	Land the second of the second		

Scree	ning Date 14-Dec-20	07	Docket No. 2007-200	)5-PWS-E	PCW
	spondent Lake Whiti	ney Resorts, LLC		Policy Re	vision 2 (September 2002)
書からかからが確認なる。などにはなっては、これでは、これでは、これでは、これでは、これでは、これでは、これでは、これで	ase ID No. 35109			PCW F	Revision November 6, 2007
Reg. Ent. Refe	rence No. RN105215	651			
	a <b>[Statute]</b> Public Wat				11
Enf. Co	ordinator Epifanio Vi	<u>llar</u> real			
Violati	ion Number 1				and the control of th
1	Rule Cite(s)	30 Tex. Adn	nin. Code § 290.39(m)		native day controlled
Violation	Description Failed to	provide written notification to wa	o the Commission of the ater system.	startup of a new public	
		•		Base Penalty[	\$1,000
>> Environmental,	Property and Huma	n Health Matrix			
Environmental,	, roporty arro manie	Harm	100 miles (100 miles (		Name of the Control o
	Release Major	Moderate Minor			000000000000000000000000000000000000000
OR	Actual				
	Potential		Percent	0%	a de la companya de l
>>Programmatic M					
	Falsification Major	Moderate Minor		100/	
	x		Percent	10%	
Matrix Notes		100% of the rule require	ement was not met.		
5.5				\$ \$000	% ∵ % ∵
150 S S S S S S S S S S S S S S S S S S S			Adjustme	nt \$900	1.00
					\$100
Violation Events					
	lumber of Violation Ever	nts 1	32 Number	of violation days	
			<u> </u>	co.a.o., aayo	
	daily				
	monthly				
	mark only one quarterly			Violation Base Penalty	\$100
	<sup>with an x</sup> semiannu	ai			
	annual				
	single eve	nt x			
		One single event is	recommended		
		One single event is	. 555mmondod.		
		,			
Economic Benefit (	(EB) for this violati	on	Statuto	ory Limit Test	
	Estimated EB Amou	ınt	\$2 Viola	tion Final Penalty Total	\$105
*		This violation	n Final Assessed Pens	lty (adjusted for limits)	\$105
		ino noluno		, (,	7,00

	Lake Whitney F	Resorts, LLC			as for direct of	in the service of the	
Case ID No.					1 th	A 17-	
Reg. Ent. Reference No.					erala (15 ma)		
Media Violation No.	Public Water S 1	upply				Percent Interest	Years of Depreciation
(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	10000					5,0	15
The Control of the Co	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	alib Talibia	max co de .			in in the	
						i Bestuto es es es especiales	
Delayed Costs	100	1	TO SECURE OF SECURE	1 00	- eo	<b>60</b> T	90
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$200	12-Mar-2007	1-May-2007	0.1	\$0	<del> </del>	
Engineering/construction	\$200	12-Wal-2007	I-IVIAY-2007	0.0	\$0	\$2 \$0	\$0
Land				0.0	\$0 \$0	n/a	\$0
Record Keeping System	<u> </u>		**************************************	0.0	\$0 \$0	n/a	\$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)		Control of the contro	A CONTRACTOR OF THE PROPERTY O	0.0	\$0 \$0	n/a	\$0
Notes for DELAYED costs	fron	cost includes the ar in the date of the init	nount to prepare a ial investigation d	ana supr ocument	nit written notifical ling the violation to	tion to the Commission the date of complia	on, calculated nce.
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	nterina	item (except for	one-time avoided c	osts)
Disposal	3 10 11 11 11 11 11 11 11 11			0.0	\$0	\$0	\$0
Personnel			52.035.0022.00	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0.151.4	
mapocuonartoporungroumping n			and a comment of the same and a fact of the s				THE DU LIVE TO
Supplies/equipment	5. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10		or Taker Same de	0.0	\$0	\$0.	\$0 \$0
			11.803 10.14		\$0 \$0	\$0 \$0	
Supplies/equipment			kaj aja de	0.0 0.0 0.0	\$0 \$0		\$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	\$0 \$0
Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			No service de	0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0

Screening Dat	WWW. WWW. WWW. Company	PCW
		Revision 2 (September 2002)
Case ID No		Revision November 6, 2007
Reg. Ent. Reference No		
	Public Water Supply	-
Enf. Coordinato Violation Numbe		
Rule Cite(s		7
	30 Tex. Admin. Code § 290.39(e)(1) and Tex. Health & Safety Code § 341.035(c)	
Violation Descriptio	n Failed to submit engineering reports prior to activating a new public water system.	
Violation Besonptio	Tailed to submit origings my reports prior to detraining a new public videor system.	
	Base Penalty	\$1,000
>> Environmental, Property		
>> Environmental, Property	Harm	
Releas		
OR Actu		
1 Otorius		
>>Programmatic Matrix		
Falsification	n Major Moderate Minor x Percent 10%	
		<b>_</b>
Matrix		ۃ
Notes	100% of the rule requirement was not met	
		47
	Adjustment \$90	0
		\$100
Violation Events		Gerta, C
Violation Events		
Number of \	/iolation Events 1 32 Number of violation days	
	daily	
	monthly	
mark only on		y \$100
with an x	semiannual annual	
	single event x	
		7
	One single event is recommended.	
		_
Economic Benefit (EB) for t	his violation Statutory Limit Test	
Estimat	ed EB Amount \$97 Violation Final Penalty Total	\$105
	This violation Final Assessed Penalty (adjusted for limits	\$105

Case ID No.	Lake Whitney 35109	Resorts, LLC					•
Reg. Ent. Reference No.	RN105215651				5 1	570	
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	2					i ercent interest	Depreciation
	130.218	Kijegi beliar	2.50*	大 🏦		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description			gran divinity and a familiar and	a ol 45	Junior at 16	The state of the s	
	NO COMINGS OF T	A Charles			The second of th	***	
Delayed Costs					W 17	L. Harris	
Equipment				0.0	\$0	\$0	\$0
Buildings	creation to A third between According	a consiste the season	11.1 12.200 is 1.4.2000	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	<b>\$</b> 0	\$0
Engineering/construction	\$1,000	12-Mar-2007	1-Aug-2008	1.4	\$5	\$93	\$97
Land				0.0	\$0	n/a	\$0
Record Keeping System		4.50		0,0	\$0	N. d. I. n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
						75 THE R. P. LEWIS CO., LANSING MICH.	
Remediation/Disposal	and the second second			0,0	\$0	l n/a	<b>\$</b> 0
Remediation/Disposal Permit Costs		i i i i i i i i i i i i i i i i i i i		0.0		n/a n/a	\$0 \$0
Permit Costs Other (as needed)	The delaye	d cost includes the a	amount to submit	0,0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	in the second control of the second		cumenting the vic	0,0 0.0 an engin	\$0 \$0 neering report, calc	n/a n/a culated from the date te to compliance.	\$0 \$0 e of the initial
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	in the second control of the second		cumenting the vic	0.0 0.0 an engir lation to	\$0 \$0 eering report, calc the estimated da item (except for	n/a n/a culated from the date te to compliance. one-time avoided o	\$0 \$0 • of the initial
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 an engir lation to	\$0 \$0 neering report, calc the estimated da item (except for \$0	n/a n/a culated from the date te to compliance. one-time avoided of	\$0 \$0 \$0 of the initial
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 an engir lation to ntering 0.0 0.0	\$0 \$0 teering report, calc the estimated da item (except for \$0 \$0	n/a n/a culated from the date te to compliance.  one-time avoided of \$0 \$0	\$0 \$0 e of the initial
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	in the second control of the second	investigation do	cumenting the vic	0,0 0,0 an engirelation to ntering 0,0 0,0	\$0 \$0 the estimated da item (except for \$0 \$0	n/a n/a sulated from the date te to compliance.	\$0 \$0 e of the initial eosts) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 en engir lation to ntering 0.0 0.0 0.0	\$0 \$0 neering report, calc the estimated da litem (except for \$0 \$0	n/a n/a culated from the date te to compliance.  cone-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 e of the initial (osts) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engin lation to ntering 0.0 0.0 0.0 0.0	\$0 \$0 heering report, calc the estimated da item (except for \$0 \$0 \$0 \$0	n/a n/a culated from the date te to compliance.  so	\$0 \$0 e of the initial sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engin lation to ntering 0.0 0.0 0.0 0.0	\$0 \$0 the estimated da litem (except for \$0 \$0 \$0 \$0 \$0	n/a n/a culated from the date to compliance.  sone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 e of the initial osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engiri lation to 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a culated from the date te to compliance.  so	\$0 \$0 \$0 e of the initial (osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engin lation to ntering 0.0 0.0 0.0 0.0	\$0 \$0 the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a culated from the date to compliance.  sone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 e of the initial (osts) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engiri lation to 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a culated from the date to compliance.  sone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 e of the initial sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	in the second control of the second	investigation do	cumenting the vic	0.0 0.0 0.0 en engiri lation to 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a culated from the date to compliance.  sone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 e of the initial (osts) \$0 \$0 \$0 \$0 \$0 \$0

Screenir	<b>ng Date</b> 14-De	c-2007	Docket	: <b>No.</b> 2007-2005-PWS-E		PCW
Resp	ondent Lake	Whitney Resorts, LLC	:		Policy Rev	rision 2 (September 2002)
Case	ID No. 35109	)			PCW Re	evision November 6, 2007
Reg. Ent. Referer	n <b>ce No</b> . RN10	5215651				
Media (S	<b>Statute]</b> Public	: Water Supply				
Enf. Coor	dinator Epifar	nio Villarreal		•		
Violation	<u></u>	3				is a corp does
Rul	le Cite(s)	30 Tex	. Admin. Code §§ 290.	44(d) and 290.46(r)		
Violation Des	scription eme	("psi") at all points witl per minute ("gpm") p rgencies such as fire	nin the distribution neton er connection and a m fighting. Specifically, o	num pressure of 35 pounds p work at flow rates of at least inimum pressure of 20 psi dt n March 12 through March 1 stem and recorded pressures sions.	1.5 gallons uring 5, 2007, a	A CONTRACTOR AND A CONT
•				Bas	se Penalty	\$1,000
>> Environmental, Pro	operty and H	uman Health Mat	rix			
		Harm				
	T	ajor Moderate	Minor			
OR	Actual			Davaget 050/		
	Potential	X L		Percent 25%	į	-
>>Programmatic Matr	ri <b>x</b>	9888 B/S				
		ajor Moderate	Minor			
10 18				Percent 0%		•
Matrix II		ıld expose customers	•	d result in water outages and of contaminants which would nealth.		The state of the s
	- T. (Bale) - 7			Adjustment	\$750	
		5354 (24)	3 5 5 5	Aujustinent	\$7.50	2 og av
						\$250
						5:00a.,c.,
Violation Events	20131	21112121				
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## **Compliance History**

Customer/Respondent/Owner-Operator:

CN603182981

Lake Whitney Resorts, LLC

Classification:

Rating:

Regulated Entity:

RN105215651

LAKE WHITNEY RV & GOLF

Classification:

Site Rating:

ID Number(s):

TCEQ Region:

1090075

Location:

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

255 SUNCOUNTRY DRIVE, WHITNEY, TX, HILL COUNTY

Date Compliance History Prepared:

REGION 09 - WACO

December 12, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

December 11, 2002 to December 11, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Epi Villarreal

(210) 403-4033

### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

#### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Any criminal convictions of the state of Texas and the federal government. В.

C. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

08/03/2007

(568723)

12/07/2007

(598787)

Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/15/2007

(537109)

Self Report?

Classification:

Major

Citation:

30 TAC Chapter 290, SubChapter D 290.39(m)

Description:

Failure to provide written notification to the commission of the startup of a new public

water supply system or reactivation of an existing public water supply system.

NO Self Report?

Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.39(e)(1)

Description:

Failure to submit detailed engineering reports prior to activating a new PWS system.

Self Report?

Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description:

Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5

gallons per minute at each service outlet or connection.

F. Environmental audits. N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
LAKE WHITNEY RESORTS, LLC	§	
RN105215651	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2007-2005-PWS-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lake Whitney Resorts, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent represented by Ms. Patricia Coy, of the Clifton Law Office, appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a public water supply at 255 Suncountry Drive, Whitney, Hill County, Texas (the "Facility") that has approximately 50 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 15, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand Five Hundred Twenty-Two Dollars (\$1,522) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Eighteen Dollars (\$218) of the administrative penalty and Three Hundred Four Dollars (\$304) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the

Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of One Thousand Dollars (\$1,000) of the administrative penalty shall be payable in five monthly payments of Two Hundred Dollars (\$200) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that on May 1, 2007, start-up notification was provided from the Waco Regional Office staff confirming that the system is active.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to provide written notification to the Commission of the startup of a new public water system, in violation of 30 Tex. ADMIN. CODE § 290.39(m), as documented during a record review conducted on November 12, 2007.
- 2. Failed to submit engineering reports prior to activating a new public water system, in violation of 30 Tex. ADMIN. CODE § 290.39(e)(1) and Tex. Health & Safety Code § 341.035(c), as documented during a record review conducted on November 12, 2007.

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#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lake Whitney Resorts, LLC, Docket No. 2007-2005-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
    - ii. Submit as-built plans, specifications, and engineering reports for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Technical Review and Oversight Team Water Supply Division Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including

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photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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Lake Whitney Resorts, LLC DOCKET NO. 2007-2005-PWS-E Page 5

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Andrew Commence of the Commenc

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
~ 0. 6 00:	5/2/2018
For the Executive Director	Date Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Paul 1 Bridge Signature

Date

Name (Printed or typed)

Authorized Representative of

Lake Whitney Resorts, LLC

Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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